

MOTION FILED
SEP 29 1989

No. 88-192

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1989

McKESSON CORPORATION,
Petitioner,

vs.

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO,
DEPARTMENT OF BUSINESS REGULATION, and
OFFICE OF THE COMPTROLLER, STATE OF FLORIDA
Respondents.

On Writ of Certiorari to the Supreme Court of Florida

**MOTION BY THE STATES OF CALIFORNIA, IDAHO,
MONTANA, NORTH DAKOTA, TEXAS, UTAH,
ARIZONA, HAWAII, MINNESOTA AND THE
DISTRICT OF COLUMBIA FOR LEAVE TO
FILE AMICUS CURIAE BRIEF OUT-OF-TIME**

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[Other Counsel listed on inside front cover]

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF OUT-OF-TIME**

Amicus Curiae States Of California, Idaho, Montana, North Dakota, Texas, Utah, Arizona, Hawaii, Minnesota and the District of Columbia respectfully move for leave to file out-of-time their amicus curiae brief on reargument in support of respondents.

On July 3, 1989, the Court restored this case to the calendar for reargument. The due date for respondents' brief on the merits and an amicus curiae brief in support of respondents was September 20, 1989. The Amicus Curiae Brief On Reargument Of The States Of California, Idaho, Montana, North Dakota, Texas, Utah, Arizona, Hawaii, Minnesota and the District of Columbia In Support Of Respondents, submitted pursuant to Rule 36.4, was served by mail on September 21, 1989, one day out-of-time. The printer was instructed by Counsel of Record that the brief was due September 20, 1989. The brief was printed and dated September 20, 1989 but due to a misunderstanding by the printer, was not served until the next day, September 21, 1989. Counsel of Record was not aware of the problem until contacted by the Clerk of the Supreme Court on September 28, 1989.

Dated: September 29, 1989

Respectfully submitted,

JOHN K. VAN DE KAMP
Attorney General of
the State of California

RICHARD F. FINN
Supervising Deputy Attorney General
Counsel of Record

*Attorneys for Amicus Curiae
State of California*

AFFIDAVIT OF SERVICE BY MAIL

State of California
City and County of San Francisco—ss.

Janice Faulkison

....., being first duly sworn, says:

That affiant is a citizen of the United States, over 18 years of age, and not a party to the within cause; that affiant's business address is 190 Ninth Street, San Francisco, California 94103; that affiant served the required number of copies of the attached

Motion by the States of California, Idaho, Montana, North Dakota, Texas, Utah, Arizona, Hawaii, Minnesota and the District of Columbia for Leave to File Amicus Curiae Brief Out-of-Time, McKesson Corporation v. Division of Alcoholic Beverages and Tobacco, et al and Numbered 88-192 on each of

the following, by placing same in an envelope addressed (respectively) as follows:

Timothy J. McCormally
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that each of said envelopes was then, on September 29, 1989, sealed and deposited in the United States mail at San Francisco, California, with the postage thereon fully prepaid; and that there is delivery service by United States mail at each place so addressed, or that there is regular communication by mail between the place of mailing and each place so addressed.

All parties required to be served have been served.

Subscribed and sworn to before me

this 29 day of September 1989.

Jane Bourke
Notary Public in and for the City and County
of San Francisco, State of California

